



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 26, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-75 Grossmont Healthcare Dist. v. San Diego Hospital Assn., S088257.

(D031994, D033461; 80 Cal.App.4th 578.) Petition for review after the Court of Appeal reversed a summary judgment in an action for declaratory and injunctive relief. This case concerns whether the rule that there can be no adverse possession claim on public property applies to bar a statute of limitations defense in an action to recover a leasehold interest in public property that was contractually conveyed to a private party when the transaction is claimed to be void ab initio for violation of the conflict-of-interest prohibitions of Government Code section 1090.

#00-76 Handley v. Worker's Comp. Appeals Bd., S081568. (H020177.)

Unpublished opinion. Petition for review after the Court of Appeal affirmed a decision of the board. The case concerns whether the decision of the board in Phillips v. Sacramento Municipal Utilities Dist. I and II (1998) 62 Cal.Comp. Cases 585, 595, permitting upward modification of death benefits, applies retrospectively to a case in

(over)

which a stipulated judgment was entered and final prior to the finality of Phillips.

#00-77 Konig v. Fair Employment & Housing Com., S087843. (B125249; 79 Cal.App.4th 10.) Petition for review after the Court of Appeal affirmed the judgment in an action for administrative mandamus. This case concerns whether the Fair Employment and Housing Commission may award damages for emotional distress in its housing discrimination proceedings.

#00-78 People v. Martin, S087880. (E024083.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the issue of whether “momentary possession” is an element of the defense recognized in People v. Mijares (1971) 6 Cal.3d 415.

#00-79 People v. Moss, S087478. (G024202.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court specified for review the issue of whether it should reconsider its holding in In re Tyrell J. (1994) 8 Cal.4th 68, that a peace officer who searches a probationer subject to a search condition does not violate the Fourth Amendment rights of that individual even if the officer is ignorant of the condition.

#00-80 Richards v. CH2M Hill, Inc., S087484. (C027848; 79 Cal.App.4th 570, mod. 80 Cal.App.4th 976a.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes an issue concerning the extent to which the continuing violation doctrine permits an employee to recover for a pattern of discriminatory conduct that occurred over a long period of time and that commenced outside the limitation period of the Fair Employment and Housing Act.

DISPOSITION

#98-120 People v. Hudson, S071558, was dismissed and remanded to the Court of Appeal.